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Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 69/160

Summary

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submits the present report pursuant to General Assembly resolution 69/160 on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. In paragraph 43 of that resolution, the Assembly requested the Special Rapporteur to prepare for submission to the Human Rights Council at its twenty-ninth session, a report on the implementation of the resolution, based on the views of Governments and non-governmental organizations, gathered in accordance with the request made by the Commission on Human Rights in its resolution 2005/5.

The present report addresses developments identified by the Special Rapporteur with regard to the human rights and democratic challenges that extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements, continue to pose.

In that context, the Special Rapporteur examines the main areas of concern in which further efforts and constant vigilance are required, including with regard to the protection of vulnerable groups of individuals against racist and xenophobic crimes and the promotion and consolidation of democracy and human rights in general. He also identifies good practices developed by States and various stakeholders.

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The present report includes the recommendations made on the issue by the Special Rapporteur in his previous reports to the General Assembly (A/69/334) and the Human Rights Council (A/HRC/26/50 and A/HRC/23/24) as they remain applicable and valid, despite efforts made to address the problem of glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Those recommendations are clustered at the end of the report by sectors for easy reference.

The Special Rapporteur is of the view that the current requirement to report twice per year on this specific issue is not an optimal mechanism for fulfilling the obligations of his mandate as set out in General Assembly resolution 69/160 and, considering that there have been no major developments since the presentation of his last report on the issue to the General Assembly and to the Human Rights Council, he is of the view that those obligations would be best served by the submission of a single report annually to the Assembly. The Special Rapporteur believes that other streams of his work could be used to address this important issue in a concrete way, which could allow for more in-depth dialogue and engagement with Governments, non-governmental organizations and relevant actors, thus enabling them to work in a concerted fashion towards the implementation of both existing and future recommendations.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/160, paragraph 43, in which the Assembly requested the Special Rapporteur to prepare, for submission to the Human Rights Council at its twenty-ninth session, a report on the implementation of that resolution on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, based on the views of Governments and non-governmental organizations.

2. In paragraph 41 of General Assembly resolution 69/160, the Assembly recalled the request of the Commission of Human Rights, in its resolution 2005/5, that the Special Rapporteur continue to reflect on that issue, make relevant recommendations in his future reports and seek and take into account in that regard the views of Governments and non-governmental organizations. Furthermore, in accordance with paragraph 43 of Assembly resolution 69/160, the Special Rapporteur will be submitting a similar report to the Assembly at its seventieth session.

3. In section II of the present report, the Special Rapporteur addresses the human rights and democratic challenges posed by extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements, in the context of the current economic crisis. In section III, he examines cyberracism and hate propaganda disseminated in social media by extremist political parties, movements and groups. Section IV concerns extremism in sports. Section V is dedicated to countering Holocaust denial and the distortion of history. The Special Rapporteur identifies good practices developed by States and different stakeholders in section VI, and section VII contains his conclusions and recommendations.

II. Information received relating to the existence of extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements

4. In the present section, the Special Rapporteur focuses on information received relating to the existence of extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements. The challenges concern (a) the protection and consolidation of human rights in a democratic context; (b) protecting victims and vulnerable groups against racist and xenophobic crimes.

A. Protecting and consolidating democracy and human rights

5. During the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa, and in the subsequent Durban Declaration and Programme of Action, States recognized that political manifestos and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination were irreconcilable with principles of democracy and good governance.

6. As noted in his thematic reports to the Human Rights Council (A/HRC/26/50 and A/HRC/23/24), the Special Rapporteur has received information that extremist political parties, movements and groups have continued to gain influence in several countries and regions. Throughout Europe in particular, there has been an increase in the number of local and regional parliamentary seats occupied by representatives of extremist political parties.

A number of far-right political parties have also gained ground in local parliamentary elections, as well as in the European Parliament.

7. The Special Rapporteur is concerned that, in some countries, some mainstream political parties continue to form coalitions with extremist political parties. He emphasizes the need for all democratic political parties to base their programmes and activities on respect for human rights and freedoms, democracy and the rule of law and to condemn political messaging that has the objective of fuelling racist, xenophobic, discriminatory or intolerant ideas.

8. Stigmatization and targeting of vulnerable groups during sustained periods of austerity in some countries continue and with them the increasing tendency of political leaders to blame certain groups for high unemployment rates, cuts in social benefits and increasing poverty. Extremist political parties place the burden of the negative consequences of such crises on foreigners, migrants (including irregular migrants), minority groups, refugees and asylum seekers. Those groups are often perceived as a threat to the standard of living of the general population in those countries. According to information received, individuals from the Muslim and Jewish faiths, as well as those from the Roma communities, have been singled out and stigmatized and, in some cases, have been at the receiving end of intolerance and violence, incited by political leaders. As stated in his thematic report (A/HRC/26/50), political leaders should take all the necessary measures to deal adequately with social and economic issues, especially during periods of economic recession, and not use extremist rhetoric, particularly during electoral campaigns, in order to secure re-election.

9. The Special Rapporteur is reassured, however, by reports from some Eastern European countries that politicians from the same party or coalitions have spoken out against such populist language targeting vulnerable groups. It is essential that mainstream political parties and politicians, including high-level political leaders, clearly and unequivocally condemn expressions of racism, xenophobia and related intolerance. He encourages politicians and political parties to break away from the continuing rhetoric which seeks to inflame tensions rather than build mutual understanding and respect. Echoing the views expressed in his above-mentioned thematic report, he again stresses the importance of addressing such discourse when it arises from within the parties' own ranks.

B. Protecting victims and vulnerable groups against racist and xenophobic crimes

10. The Special Rapporteur has received reports that incidents of racist and xenophobic violence continue to be perpetrated by extremist movements and groups, including neo-Nazis, skinheads and other right-wing movements, against Roma, Muslims, Jews and non-traditional religious groups and their places of worship. As previously noted in his reports (A/HRC/23/24 and A/HRC/26/50), he continues to be concerned about reports of incidents of harassment and violence against persons of African descent. He is also concerned by information regarding violence against migrants and foreigners, committed by individuals closely linked to far-right nationalist parties, including arson attacks on houses, vandalization of schools and places of worship as well as cases of stabbing of migrants and asylum seekers in the street. Information has further been received regarding threats against Muslim women wearing headscarves, and physical attacks on imams at mosques. There have been reports of Jewish schools being painted with swastikas and slogans against Jews. Jewish cemeteries have been desecrated and gravestones broken and painted with swastikas. He is also concerned at reports of attacks on civil society organizations working on anti-racism issues.

11. Hate speech targeting refugees in particular has resulted in actual violence against that group as well as persons perceived to belong to it. As noted in the report of the Special Rapporteur to the General Assembly (A/69/334), racial discrimination and related intolerance are common reasons for persons to flee their countries and can also threaten the protection of asylum seekers and refugees at the different stages of the displacement cycle. In Southern Africa, foreign nationals are increasingly viewed as competitors for scarce economic opportunities, which can fuel xenophobia and have a negative impact on the protection environment for refugees and asylum seekers in the region. Furthermore, as explained in the above-mentioned report, the lack of legal and normative frameworks relating to international protection in Asia and the Pacific region compromises the rights afforded to displaced persons who may be in need of international protection as a result of ethnic, racial or xenophobic persecution in their country of origin. Ensuring that humanitarian responses are not hampered by the focus on migration policy and border protection remains a challenge.

12. As previously illustrated (A/HRC/23/24), the Special Rapporteur has received further information regarding cases of extremism in police forces. In some countries, members of the police force openly propagate far-right, nationalistic and xenophobic ideas and discourse in their official capacity as guardians of public order and civil servants of the State. He is particularly concerned at reports from Eastern Europe that police officers are sometimes reluctant to intervene to stop harassment, verbal abuse and violent attacks and/or receive complaints from victims of racist and xenophobic crimes, particularly migrants and those from minority groups, and to investigate those incidents. That not only makes victims more reluctant to report racist or xenophobic acts, especially if they have irregular residence status in a particular country, but also creates a climate of impunity for extremist and vigilante groups. The Special Rapporteur is also concerned at allegations of increasing police involvement in crimes of sexual and gender-based violence against women of African descent and women from ethnic minorities, which often go unreported or are not thoroughly investigated.

13. The Special Rapporteur has received reports of attacks by individuals and groups linked to far-right and neo-Nazi groups on homosexual and bisexual men, and lesbian and transgender women. The same groups that attack, discriminate and promote discrimination against racial minorities are also involved in attacks against individuals on the basis of their sexual identity.

14. In the opinion of the Special Rapporteur, the identity of an individual is made up of multiple components, including gender, age, nationality, profession, sexual orientation, political opinion, religious affiliation and social origin; therefore, tolerance, mutual understanding and respect for all, without prejudice, stereotyping or discrimination, should be the basis of human relations of any kind. He also notes the underreporting of that type of violence and urges States to take the necessary measures to address the multiple and often interlinked forms of discrimination faced by individuals on the basis of their race, colour, descent, national or ethnic origin or sexual orientation.

15. The impact of racist and xenophobic ideas and values on some of the most vulnerable groups who have been most affected by the financial and economic crisis, such as young people, the elderly and impoverished citizens, is also of concern to the Special Rapporteur. Those groups are likely to feel the full negative effects of high unemployment and cuts in social services. In countries and regions such as Eastern and Southern Europe, which have been hardest hit by austerity measures, those persons often do not see a future for themselves or opportunities for improvement. Extremist ideologies can thus grow easily in such a climate of discontent. The Special Rapporteur recalls the view he set out in a previous report (A/HRC/23/24) that education is important and it is the responsibility of the State to counter the dissemination of ideas based on racial superiority or hatred and to

promote the values of non-discrimination, equality, diversity, democracy and respect for all. He recognizes, nonetheless, the important role of parents and family in helping to foster a culture of tolerance and respect.

16. The Special Rapporteur is concerned about ongoing reports that victims are reluctant to come forward and report incidents to the appropriate authorities for fear of reprisals, fear of prosecution, especially if their residence status is precarious or irregular, a belief that police will not investigate, a lack of trust in the criminal justice system in addition to language barriers and ignorance of their rights. The Special Rapporteur urges States to take further measures to better engage with victims so as to reduce fears, create a sense of trust between victims, police and prosecution and promote the reporting of such crimes. Similarly, he encourages the provision of training for law enforcement officers and members of the judiciary in order that they may properly address racist and xenophobic crimes in an effective, appropriate manner, one that is compatible with international human rights standards.

17. The Special Rapporteur takes this opportunity to reiterate the concerns set out in his previous report (A/HRC/23/24) that many racist crimes go underreported, thus potentially underestimating the scope and nature of the problem. The lack of accurate and current ethnically disaggregated data, which include sex-disaggregated data, particularly in the case of irregular migrants and asylum seekers, may give the impression that racist crimes by extremist political parties, movements and groups do not exist, or are less prevalent than in reality. Some national action plans lack mechanisms and sufficient financial support for collecting and disseminating disaggregated data. Collection of such data is critical, as it can help inform policy decisions on combating those crimes. The Special Rapporteur is of the opinion that both States and civil society should establish detailed systems for recording, reporting and monitoring such incidents and for encouraging victims to report them.

III. Cyberracism and hate propaganda disseminated in social media by extremist political parties, movements and groups[1]

18. According to information received, racist and intolerant hate speech in political discourse is escalating, in particular against refugees and asylum seekers. In the media, on the Internet and in social networks, expressions of racism and xenophobia against foreigners and ethnic minorities have become commonplace, as has abusive language, when referring, for example, to the Roma. In Eastern Europe, the Special Rapporteur has received reports of an open anti-Roma campaign waged by the media in one country where Roma are presented as a demographic threat. According to reports, there is a worrying tolerance of such practices on the part of the public.

19. The Special Rapporteur notes with regret that very few cases of hate speech have been dealt with by justice systems and also that the conviction rate is so low. In one Eastern European country in 2014, out of a total of 56 pretrial proceedings which were initiated under the crime of preaching hatred on religious grounds, not one resulted in a conviction. The trend appears to be that criminal law provisions in force to combat hate speech are rarely invoked and hardly ever successfully. That sets a dangerous precedent implying that hate speech is not a serious offence and can be used with impunity. Although the Special Rapporteur welcomes the response of some high-level public figures who have issued declarations condemning such acts and appealing for solidarity, he notes that some attempts

[1] See also the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the Human Rights Council (A/HRC/26/49).

to ban extremist political parties for incitement to ethnic and religiously motivated hatred have not succeeded.

20. New technologies such as the Internet and social media have developed rapidly, but they are unfortunately increasingly used as instruments for the dissemination of racist ideas and hate speech under the supposed anonymity provided by online forums. As noted in his previous report (A/HRC/26/50), the Special Rapporteur is concerned that some extremist groups may have moved their activities to the Internet and social media networks in order to spread their ideas and propaganda with relative impunity.

21. According to information received, extremist movements and groups are actively present on the Internet and social media networks and publish material on their websites or on those of sympathetic organizations, which promote and incite racial discrimination and violence. Not only do those websites and social media networks serve as avenues to spread hate speech and incite racial violence and abuse against specific groups, they are also a means of expanding their network of supporters worldwide, who can easily join in various online events and meetings without the constraint of distance. The Special Rapporteur also notes that, in some countries, systems in place for sanctioning violations of relevant legislation relating to social media are ineffective.

22. By the same token, the Special Rapporteur recognizes that the Internet and social media can be used for preventing the spread of racist ideologies by extremist political parties, groups and movements and notes with appreciation that the mainstream media in some countries have started to recognize the cultural value of diversity and to promote the idea of improving the living and working conditions of members of minorities. Other positive initiatives include the creation of social network-based platforms by civil society organizations at the national level targeting the youth with the specific aim of countering extremism, xenophobia and other forms of intolerance, in addition to promoting a democratic culture.

IV. Preventing and countering racism and extremism in sport[3]

23. According to reports received, extremist groups, including neo-Nazis and skinhead groups, operate at sporting venues, in particular football matches, and at some individual professional sporting events. The Special Rapporteur is concerned about an increase in reported cases of racist symbols and banners displayed during football matches, as well as the shouting of racist slogans and the making of racist gestures on those occasions. Those abuses are often targeted at foreign players, players or supporters of African descent, or at others because of their ethnic origin.

24. Given the important role that professional athletes play in inspiring the youth, those incidents are of particular concern. The Special Rapporteur reiterates the view expressed in his previous report (A/HRC/26/50), that there is no place for racism and intolerance in sport. Sport is meant to bring different cultures together in a celebration of healthy competition, and to overcome the social and political divisions that often divide countries and communities.

25. The Special Rapporteur is of the opinion that States, sports federations and other relevant authorities must address the problem of extremist groups, including neo-Nazis, skinhead groups and hooligans at sports events, including football matches. It is imperative

[3] See also the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the General Assembly (A/69/334).

that preventative measures be taken to avoid acts of racial violence, xenophobia, abuse and incitement to racial hatred by extremist individuals.

26. Nonetheless, the Special Rapporteur is encouraged by information received regarding measures taken by some States to counter racism and extremism in sports. One example is a conference organized by an Eastern European sports association in partnership with a local non-governmental organization, using the positive values of sports to counter racism and stereotyping.

27. Referring again to his previous report (A/HRC/26/50), the Special Rapporteur reiterates that States are bound by the obligations set forth in international human rights instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination. He recalls the requirements set out in Human Rights Council resolution 13/27, urging States and the relevant international and regional organizations to intensify the fight against racism in sport. He also encourages national and international sports organizations and federations to develop and implement codes of conduct that address the issue of extremist ideologies and intolerance among supporters, and urges States to seize the opportunity to use sporting events as a vehicle to promote respect for human rights, democracy and the rule of law.

V. Countering Holocaust denial and the distortion of history[3]

28. Holocaust denial is an attempt to negate the established facts of the Nazi genocide of European Jews, Roma, lesbian, gay, bisexual and transgender persons as well as political opponents. Some key denial assertions are that the murder of approximately 6 million Jews during the Second World War never occurred, that the Nazis had no official policy or intention to exterminate the Jews and that the concentration camps such as Auschwitz-Birkenau never existed nor served that purpose.

29. Holocaust denial and distortion are generally motivated by strong anti-Semitism, and build on the claim that the Holocaust was invented or exaggerated as part of a plot to advance Jewish interests. That is a view that perpetuates long-standing anti-Semitic prejudices and stereotypes and the Special Rapporteur recalls that the Holocaust is one of the tragic events of the past century that has been well documented. The Special Rapporteur is particularly concerned about allegations regarding a cartoon competition disdaining the Holocaust and insulting the victims and remaining survivors of that tragedy.

30. The Special Rapporteur reiterates his condemnation of attempts by extreme right-wing groups to deny the Holocaust and falsify history. Such revisions contribute to the rehabilitation and dissemination of Nazism and other extreme ideologies and create fertile ground for nationalist and neo-Nazi demonstrations. The Special Rapporteur is concerned about reports of university professors explicitly denying the existence of the Holocaust in a public academic setting in an Eastern European country, which received applause from the audience. The Special Rapporteur reminds all stakeholders that such events set dangerous precedents, do not promote values of tolerance and mutual understanding and run counter to provisions of several General Assembly and Human Rights Council resolutions on the matter.[4]

31. The Special Rapporteur recalls the importance of criminalizing the approval, denial or belittlement of the Holocaust in national law, especially considering that such a denial

[3] The Special Rapporteur addressed the issue of Holocaust denial and the distortion of history in 2014, in his reports to the General Assembly (A/69/334) and the Human Rights Council (A/HRC/26/50).

[4] See, for example, General Assembly resolutions 65/199, 66/143, 67/154 and 68/150.

could promote racist rhetoric and, as such, constitutes hate speech under article 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination. He welcomes the fact that Holocaust denial is clearly considered a crime in a number of countries.

32. The Special Rapporteur continues to call for the active preservation of Holocaust sites that served as Nazi death camps, concentration and forced labour camps. He encourages States to take concrete measures, including legislative and educational ones, such as inclusion of education about the Holocaust in school curricula, so as to prevent revisionism of the Second World War, the denial of the Holocaust and the Nazi genocide and the glorification of Nazi criminals, which lead to the growth of neo-Nazi, xenophobic and anti-Semitic sentiments and serve to provoke inter-ethnic conflicts.

VI. Good practices in countering extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements

33. While not exhaustive, the examples of good practices presented below, as noted in the previous thematic reports of the Special Rapporteur (A/HRC/23/24 and A/HRC/26/50), have been developed to counter extremist political parties, movements and groups and provide an overview of some the legislative, policy and institutional measures taken by States in different areas that could serve as models and be adapted to a local context. Such measures taken by States have also been complemented by initiatives developed by civil society organizations.

34. The Special Rapporteur notes with appreciation that a growing number of States have included prohibitions against racial discrimination and xenophobia in their domestic legislation. Furthermore, an increasing number of States have incorporated the International Convention on the Elimination of All Forms of Racial Discrimination into their domestic law, and have recognized the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation by the State of any of the rights under article 14 of the Convention.

35. In addition, the Special Rapporteur welcomes the fact that a growing number of States, particularly in Eastern Europe, have either enacted specific laws, or introduced amendments to their Criminal Codes, with provisions on aggravating circumstances for offences committed on the grounds of persecution or hatred based on race, religion or nationality, or for the purposes of completely or partially annihilating a national, ethnic, racial or religious group or individual. In some countries, there are enhanced penalties for murder and causing bodily harm committed with racist or xenophobic motives and criminalization of organized violence at sporting events.

36. The Special Rapporteur notes that some countries have included provisions in their migration and refugee laws that reaffirm the principle of non-discrimination and require the relevant institutions in charge of issues relating to migrants and refugees to take all the necessary measures to prevent discrimination against those groups.

37. In some instances, the above-mentioned legislative developments have also been accompanied by the establishment of specific institutions such as national human rights institutions or ombudspersons, in accordance with the Paris Principles, to receive and consider complaints and investigate cases of racism, racial discrimination, xenophobia and related intolerance and/or communications referred to in the International Convention on the Elimination of All Forms of Racial Discrimination. In particular, the Special Rapporteur

welcomes the measures taken by a national commission on human rights in a Southern European country to combat racism in sports, including the appointment of a special prosecutor for crimes of racist violence. He also notes the creation in a Latin-American country of a monitoring mechanism for hate speech on the Internet, which aims to identify early racist crimes online and the eradication of any form of discrimination online, including the removal of discriminatory material from public web pages.

38. The Special Rapporteur welcomes the above-mentioned developments and recommends that such specialized institutions, in addition to monitoring and raising awareness about the challenges posed by extremist political parties, provide advice on measures to address them. States should ensure that such institutions have a strong mandate, independence and sufficient resources to execute their programmes.

39. In addition, the Special Rapporteur has received information regarding measures taken by some States regarding the training of their officials, in particular, law enforcement agents. In one Middle Eastern country, the Human Rights Commission organized workshops to raise human rights awareness among police officers, the judiciary and State officials. Legislation relating to the dissemination of a human rights culture in that same country was also adopted, which included the development of a national action plan. The Special Rapporteur notes with satisfaction that human rights education is of particular importance for a number of States and that specific units dealing with hate crimes and racism have been established, including within the Office of the Public Prosecutor.

40. The Special Rapporteur continues to appreciate the many examples of awareness-raising activities that have been conducted by States to foster tolerance and respect for cultural diversity, to combat racism, racial discrimination, xenophobia and related intolerance and to strengthen intercultural dialogue. Those activities include the organization of cultural events, art festivals of national minorities, exhibitions, concerts, seminars and forums in addition to the publication of books and brochures promoting cultural diversity. He encourages such initiatives, which offer space for further intercultural dialogue and interaction. Other measures are also welcomed, such as information broadcasts on television and the Internet aimed at promoting acceptance and tolerance among different ethnic groups. The Special Rapporteur welcomes the fact that, in some countries, the mainstream media have started to recognize the cultural value of diversity and to promote the idea of improving the living and working conditions of minority groups.

41. Finally, the Special Rapporteur emphasizes that continued cooperation with relevant international and regional human rights mechanisms and civil society organizations is important in countering extremist political parties, movements and groups, and he notes with appreciation the engagement of States with regional and international human rights mechanisms, including the Committee on the Elimination of Racial Discrimination, the special procedures of the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights.

VII. Conclusions and recommendations

42. **The recommendations the Special Rapporteur had made in his previous reports to the Human Rights Council (A/HRC/23/24 and A/HRC/26/50) and the General Assembly (A/69/334) remain valid and current. They are presented again below, clustered by thematic area for easy reference.**

Political measures

43. **The Special Rapporteur appreciates the efforts made by States to counter extremist political parties, movements and groups, including neo-Nazis, skinhead**

groups and similar extremist ideological movements. While good practices have been identified, important challenges remain, such as the rise in extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements, which continue to pose major human rights and democratic challenges. Greater vigilance from all States and relevant actors is therefore required. In that regard, the Special Rapporteur is of the view that a comprehensive approach based on a solid legal framework, complemented by other measures including key policy measures such as education and awareness-raising programmes, and a victim-centred approach, should be further developed and implemented. Good practices such as those mentioned in the present report should also be exchanged on a regular basis among all actors working in the field. To that end, the Special Rapporteur makes the following specific recommendations.

44. As long as extremist political parties, movements and groups continue to exist legally or illegally, they will remain a major challenge to democracy. In that regard, States should always bear in mind that preserving and consolidating the values of democracy are essential to preventing and combating racism, racial discrimination, xenophobia and related intolerance effectively. Political leaders and parties must therefore strongly condemn all messages disseminating ideas based on racial superiority or hatred, incitement to racial discrimination or xenophobia. They should be aware of the moral authority they bear, promote tolerance and respect, and refrain from forming coalitions with extremist parties of a racist or xenophobic character. Respect for human rights and freedoms, democracy and the rule of law should always be the cornerstone of all their programmes and activities, bearing in mind the need to ensure that political and legal systems reflect the multicultural character of their societies.

Legislative measures

45. As stated in paragraph 13 of the outcome document of the Durban Declaration and Programme of Action, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, as should be the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts. In that regard, the Special Rapporteur calls upon all States to respect the commitments made in the Durban Declaration and Programme of Action, which is a comprehensive framework for action against racism, racial discrimination and xenophobia. He also recommends that States adopt legislation that conforms to international human rights standards, including the International Convention on the Elimination of All Forms of Racial Discrimination, paying particular attention to their obligations under article 4 of the Convention. In that connection, in order to prevent and address in an effective manner the commission of racist or xenophobic crimes by individuals and groups of individuals closely linked to extremist political parties, movements and groups, States should introduce into domestic criminal law a provision to the effect that the commission of an offence with racist, xenophobic, anti-Semitic or homophobic motivation or aim constitutes an aggravating circumstance attracting heavier sanctions.

46. The Special Rapporteur reiterates that States have the obligation to prosecute the perpetrators of crimes with racist, xenophobic, anti-Semitic or homophobic motivations and to fight against impunity. States should ensure prompt, thorough and impartial investigation into those crimes, and that those responsible are adequately sanctioned.

47. **The Special Rapporteur urges States to ensure that victims of crimes motivated by racism or xenophobia have full access to effective legal remedies, including the right to seek reparation for damages suffered as a result of such crimes. He also recommends that States ensure that victims of racist or xenophobic crimes are provided with the necessary legal, medical and psychological assistance and are made aware of their rights and of existing judicial and non-judicial remedies. States should further engage with vulnerable groups or minorities who are at particular risk of racist or xenophobic crimes, with the aim of restoring confidence in law enforcement officials and the criminal justice system and to facilitate better reporting of such crimes.**

Disaggregated data

48. **The Special Rapporteur appreciates efforts made to document racially motivated crimes, and reiterates recommendations made in previous reports to the Human Rights Council and the General Assembly that States should collect disaggregated data and statistics on racist, xenophobic, anti-Semitic and homophobic crimes in order to identify the types of offences committed, the characteristics of the victims and of the perpetrators and whether they are affiliated with an extremist political party, movement or group. Such disaggregated data would provide a better understanding of the phenomenon and identify effective measures to be taken to address those crimes. States should provide adequate financial, human and technical resources to improve the quality of data collection systems where those already exist, while ensuring that civil society is involved in the process, which is to be undertaken in such a way as to guarantee the protection of privacy.**

Education and capacity-building[5]

49. **The Special Rapporteur recalls that education remains the most effective means of countering the negative influence that extremist political parties, movements and groups may have on young people. Recalling paragraph 136 of the Durban Programme of Action, he urges States to ensure that education and training, especially teacher training, promote respect for human rights and the fight against racism, racial discrimination, xenophobia and related intolerance, and that educational institutions implement policies and programmes on equal opportunities, anti-racism, gender equality and cultural, religious and other diversity, with the participation of teachers, parents and students.**

50. **In particular, the Special Rapporteur recalls paragraph 57 (a) of his 2013 thematic report (A/HRC/23/56), in which he recommended that States should recognize the important role of education in combating racism, racial discrimination, xenophobia and related intolerance, especially in promoting the principles of tolerance and respect to ethnic, religious and cultural diversity and preventing the proliferation of extremist racist and xenophobic movements and propaganda, especially among the youth.**

51. **He also recalls paragraph 57 (e) from the above-mentioned thematic report (A/HRC/23/56), in which he recommended that States should recognize the important role of formal and non-formal education in the deconstruction of prejudices, positive change of negative perceptions, enhanced understanding and social cohesion. To that end, States should be encouraged to implement educational activities and measures,**

[5] See also the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the Human Rights Council (A/HRC/23/56).

including human rights training at various levels, to prevent and combat effectively racism, racial discrimination, xenophobia and related intolerance.

52. The Special Rapporteur also recommends that the capacity of law enforcement officials and members of the judiciary be strengthened further to address crimes motivated by racist, xenophobic, anti-Semitic or homophobic biases. Comprehensive and mandatory human rights training, including training with a specific focus on racist and xenophobic crimes perpetrated by individuals linked to extremist political parties, groups and movements, should be provided to public officials, including law enforcement agents, who should also be provided with the necessary guidelines and procedures to be able to identify, investigate and register such crimes. He emphasizes that States should also ensure that law enforcement agents engage with vulnerable groups who are particularly at risk of racist, xenophobic, anti-Semitic or homophobic crimes, in order to reduce their legitimate fears and concerns, restore confidence in the application of the rule of law, and that they report such crimes adequately.

53. The Special Rapporteur appreciates the organization of awareness-raising activities such as cultural events, festivals, conferences, seminars, competitions, exhibitions, research work and publications, as well as information campaigns and other events aimed at providing a space for intercultural dialogue and interaction, which contribute to the building of a society based on pluralism, tolerance, respect for cultural diversity, multiculturalism and non-discrimination and which should be further encouraged.

Internet and social media

54. The Special Rapporteur notes with concern the increased use of the Internet and social media by extremist political parties, movements and groups to promote and disseminate racist content. States should take all opportunities, including those provided by the Internet, to counter the dissemination of ideas based on racial superiority or hatred, and promote the values of equality, non-discrimination, diversity and democracy, while respecting their obligations under articles 19 and 20 of the International Covenant on Civil and Political Rights. In order to ensure full respect for human rights and democratic principles, States, while adopting measures to counter extremist ideas and biases, should strengthen freedom of expression, which plays a crucial role in promoting democracy and combating racist and xenophobic ideologies based on racial superiority.

Sport

55. The Special Rapporteur calls on States to strengthen measures to prevent racist and xenophobic incidents at sporting events. He notes the key role of sport in promoting cultural diversity, tolerance and harmony and recommends that States take advantage of such events to promote the values of tolerance and respect. He recalls paragraph 218 of the Durban Programme of Action, which urges States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations, to intensify the fight against racism in sport by educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity.

Holocaust denial

56. The Special Rapporteur condemns any denial or attempt to deny the Holocaust and all manifestations of religious intolerance, incitement, harassment or violence against persons or communities based on ethnic origin or religious belief. He also calls

for the active preservation of the sites which served as Nazi death camps, concentration and forced labour camps and prisons, and encourages States to take legislative and educational measures to put an end to Holocaust denial.

Civil society

57. The Special Rapporteur recalls the importance of cooperating closely with civil society and international and regional human rights mechanisms to effectively counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements. In particular, the role played by civil society in collecting information, working closely with victims and promoting democratic principles and human rights should be emphasized. He calls upon national human rights institutions to develop appropriate programmes to promote tolerance of and respect for all and to collect relevant information.

Good practices

58. Efforts made by States to counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements should be enhanced through the replication of good practices. In that connection, it is important that the sharing of good practices continue among all relevant stakeholders. The Special Rapporteur recalls the importance of cooperating closely with civil society and international and regional human rights mechanisms to effectively counter extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements. As stated in paragraph 49 of the outcome document of the Durban Review Conference, a broad sharing of best practices in all regions of the world aimed at preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance can assist Governments, parliaments, the judiciary and civil society with the effective implementation of the provisions of the Durban Declaration and Programme of Action, and the Rabat Plan of Action.

59. The Special Rapporteur urges all States to submit information regarding measures undertaken within their respective territories in relation to the provisions set out in General Assembly resolution 69/160 on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance.